<u>**REMARKS**</u>

Claims 58-74 were examined. All claims were rejected. No claims have been amended or cancelled in this application. New claims 75-77 have been added.

The Examiner rejected claims 58-71 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,319,751 to Garney in view of U.S. Patent No. 6,694,354 to Elg.

Garney describes a system for dynamically configuring device drivers for removable system resources. When a removable device (*e.g.* a PCMCIA card) is connected to a computer, a stub driver is transferred to the computer. However, the remainder of the device driver is not transferred, but rather executes while still present on the removable card. (*See* Abstract.) In claim 58, the handshake response is used by the client device to identify the host device and select executable information to transmit to the host. In addition, it is the *client* that selects the executable information to be transmitted. In contrast, in *Garney*, the *host* selects the driver stub it desires.

The Examiner acknowledges that Garney does not teach or suggest the use of a bi-directional channel, a handshake protocol, or a file handle. For these features, the Examiner relies on Elg.

The Elg reference is drawn to a system for connecting peripheral devices to various hosts. The device includes a partial pointer (e.g. URL) from which the host can produce a complete pointer. The host can then use this pointer to download a device driver for the peripheral device, from an external site. (Abstract, column 2, lines 46-51).

The partial pointer provided by the peripheral device in Elg is missing the operating system/platform identification, which is added by the host device. (Elg, column 4, line 12-14), and then uses the completed pointer to download the device driver from a web site or FTP site. (column 4, lines 15-19).

Thus, the system of Elg specifically teaches away from the concept of identifying the host device by the handshake response, and transmitting executable information selected according to an identity of the host device from the client device to the host device over the reliable stream protocol connection and receiving a file handle for the executable information at the host device, as recited in claim 58.

First, the client device <u>does not identify the host device</u> at all. Rather, the host device itself adds the operating system/platform identification into the pointer. Second, the device driver <u>is transmitted from the client device to the host device</u>, but is rather separately obtained by the host device over a network connection, i.e. from a web site.

Thus, Elg specifically teaches away from having a client device identify the host device, since the entire patent of Elg is concerned with enabling a host device to obtain device driver/information without requiring the peripheral device to know the operating system/platform identification of the host device.

As noted previously, Garney does not teach or suggest a handshake protocol, used to identify the host device. Since Elg specifically teaches away from such identification, Applicants respectfully submit that Garney and Elg do not make claim 58 obvious.

n addition, claims 59-65 depend directly or indirectly on claim 58, so they are patentable for at least the same reasons. Applicants respectfully request that the Examiner withdraw the rejections of these claims.

Independent claim 66 recites an apparatus comprising a protocol manager to negotiate a reliable bidirectional data communication channel to the host; and a driver uploader to identify a type of the host, transmit a driver appropriate for the host type to the host over the reliable bidirectional data communication channel, receive a file handle for the driver at the host, and invoke the driver at the host using the file handle.

As noted above, neither Garney nor Elg teach or suggest identifying the host type, nor having the driver uploaded by the client device. Rather, Garney

does not need host type at all, while Elg forces the host to identify itself, and insert its identity into the pointer, and then the host downloads the driver from a separate source. For at least the foregoing reasons, Applicants respectfully submit that claim 66 and its direct and indirect dependent claims, 67-74, are patentable over the references of record.

Newly added claim 75 recites in part "a driver uploader to identify a type of the host device, based on data received during the negotiation of the data communication channel, transmit a driver appropriate for the host type to the host device over the reliable bidirectional data communication channel." As noted above, neither Garney nor Elg identify the host device based on data received during negotiation and transmit a driver appropriate for the host type. Therefore, claim 75, and its dependent claims 76 and 77, are not obvious over the combination of Garney and Elg. Applicants respectfully request the withdrawal of this rejection.

In view of the foregoing, it is believed that claims 58-77 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (408)720-8300.

Respectfully submitted,
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